

REMARKS:

REASONS THIS AMENDMENT SHOULD BE ENTERED

The Applicants submit that this amendment complies with requirements set forth in the previous Office Action and otherwise puts the claims in allowable form. As such, entry of the amendment 5 is proper under 37 CFR 1.113.

ALLOWABLE SUBJECT MATTER

The Applicants appreciate the Examiner's allowance of claims 1-36.

CLAIM AMENDMENTS

The Applicants have amended claims 37 and 45 to recite that the first and second sets of comb 10 fingers interdigitate in a substantially co-planar fashion at some rotation. [emphasis added]. Support for this feature can be found in the specification in the section bridging page 10, line 26 to page 11, line 18. As such, no new matter has been added with this amendment.

CLAIM REJECTIONS

35 USC 103

15 Solgaard in view of Yamada

Claims 37-51 have been rejected under 35 USC 103 as being obvious over US Patent 6,097,859 to Solgaard et al., (hereinafter, Solgaard) in further view of Yamada. In rejecting the claims, the Examiner states that Solgaard discloses a fiber-optic switch (10) comprising an array of input optical fibers (14); one or more arrays of mirrors (48); an array of output fibers (24); and 20 microlenses. The Examiner admits that Solgaard does not expressly disclose the type of scanner recited in claims 37-51. The Examiner argues that Yamada discloses basically the same scanner as recited in these claims. The Examiner concludes that it would have been obvious to modify Solgaard in view of Yamada to obtain the invention of claims 37-51.

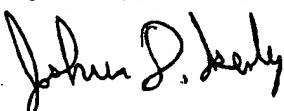
The Applicants respectfully traverse the rejections. To expedite prosecution, the Applicants have 25 amended claims 37 and 45 to recite that the first and second sets of comb fingers interdigitate in a substantially co-planar fashion at some rotation. [emphasis added], a feature neither taught nor suggested by Solgaard or Yamada. In the previous Office Action, the Examiner allowed claims

1-36 based on the amendment of claims 1 and 23 to include this feature. As such, for the reasons cited by the Examiner, the Applicants submit that claims 37 and 45 are allowable over Solgaard in view of Yamada. In addition, dependent claims 38-50 and 46-51 respectively depend, either directly or indirectly, from claims 37 and 45 and recite additional features therefor. As such, for 5 the same reasons set forth above, the Applicant submits that these dependent claims are not anticipated by Yamada and define an invention suitable for patent protection.

CONCLUSION

For the reasons set forth above, the Applicant submits that all claims are allowable over the cited 10 art and define an invention suitable for patent protection. The Applicants therefore respectfully request that the Examiner enter the amendment, reconsider the application, and issue a Notice of Allowance in the next Office Action.

Respectfully submitted,

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